

Remarks/Arguments:

In response to the Restriction Requirement of June 6, 2008, applicants elect Group I: Claims 1 to 10 and 17, drawn to a compound of formula (1) classified in class 548 and numerous subclasses.

Applicants note that among the groups that the Examiner had created was Group III: Claim 18, drawn to a subset of compounds of formula (1) classified in class 548 and numerous subclasses. Applicants respectfully request that the Examiner include claim 18, Group III in Group I. It is applicants' understanding that if the genus of formula (1), Group I was found to be allowable, then the compounds of claim 18, Group III (which all fall within the scope of the genus of formula (1), Group I) would also be allowable. No further searching on the part of the Examiner would be required to establish the allowability of the compounds of claim 18. Applicants thus respectfully request that the Examiner reconsider his proposed groups and make Group III a part of Group I.

The above amendments have been made without prejudice to Applicants right to prosecute any cancelled subject matter in a timely filed continuation application.

Applicants believe the application is in condition for allowance, which action is respectfully requested.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 101179-1P US.

A petition for a one month extension of time is being filed herewith, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 101179-1P US.

Application No.
Amendment Dated
Reply to Office Action of

10/567,798
August 6, 2008
June 6, 2008

Although Applicants believe no excess claim fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 101179-1P US.

Respectfully submitted,
/John X Haberman/

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